

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DEMETRIUS BARBER

PLAINTIFF

v.

No. 4:18CV149-JMV

**DR. JAMES BURKE
P. RILEY
R. PENNINGTON**

DEFENDANTS

**ORDER DISMISSING MOTION [20] FOR A
CERTIFICATE OF APPEALABILITY AS UNNECESSARY**

This matter comes before the court on the motion [20] for a Certificate of Appealability in this case filed under 42 U.S.C. § 1983. As a Certificate of Appealability is only appropriate in *habeas corpus* cases the instant motion [20] is **DISMISSED** as unnecessary.

SO ORDERED, this, the 6th day of January, 2020.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE